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Party Poopers, Inc. and Marla Mase

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LYONS PARTNERSHIP, L.P. AND HIT
ENTERTAINMENT, INC.,

Plaintiffs,

Civil Action No: 07 CIV 7121
(Judge Stanton)

v.

PARTY ART PRODUCTIONS INC., ROBERTA
HERMAN, PHILIP HERMAN, PARTY POOPERS,
INC., MARLA MASE, 57TH STREET PARTY
CORP. D/B/A SAVE THE DATE, JENNIFER
GILBERT, THE MAGIC AGENCY INC., SHELLEY
CARROL, ERIC SILVEY D/B/A ERIC SILVEY
ENTERTAINMENT,

DEFENDANTS PARTY POOPERS
AND MARLA MASE'S INITIAL
DISCLOSURES PURSUANT TO FED.
R. CIV. P. 26(a)(1)

Defendants.

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Please take notice that pursuant to Rule 26(a)(1)(A-D) of the Federal Rules of Civil Procedure Defendants Party Poopers, Inc. and Marla Mase (the "Defendants") by their attorneys Robinson Brog Leinwand Greene Genovese & Gluck, P.C. , hereby make the following Initial Disclosures.

In making these disclosures, Defendants state that they are based on the information reasonably available at this time and are made without waiving any objections as to the relevancy, materiality, or admissibility of evidence in this action or any other action or

proceeding. Consistent with Rule 26(e) of the Federal Rules of Civil Procedure, Defendants reserve the right at any time to correct, revise, add to, or clarify the disclosures set forth herein.

FRCP 26(a)(1)(A): The following individuals have discoverable information that the

Defendants may use to support their defenses:

1. Marla Mase
c/o Party Poopers, Inc.
11 Beach Street, Ste 410
New York, New York 10013
2. Derrick Little
715 E 5th Street Apt # 5D
New York, NY 10009
3. Serena Horowitz
c/o Cowan, DeBaets, Abrahams & Sheppard LLP
41 Madison Avenue
34th Floor
New York, NY 10010
4. Nina Sherman
c/o Cowan, DeBaets, Abrahams & Sheppard LLP
41 Madison Avenue
34th Floor
New York, NY 10010
5. Emma Gottlieb
c/o Cowan, DeBaets, Abrahams & Sheppard LLP
41 Madison Avenue
34th Floor
New York, NY 10010
6. Ralph J. Sutton, Esq.
c/o Cowan, DeBaets, Abrahams & Sheppard LLP
41 Madison Avenue
34th Floor
New York, NY 10010

7. Kenneth N. Swezey, Esq.
c/o Cowan, DeBaets, Abrahams & Sheppard LLP
41 Madison Avenue
34th Floor
New York, NY 10010

Defendants' investigation into Plaintiffs' claims and their own defenses is ongoing and discovery has just begun. Subsequent to a reasonable period of fact investigation and discovery, Defendants may learn of other individuals likely to have discoverable information relevant to their defenses. Accordingly Defendants reserve their rights to supplement this disclosure.

FRCP 26(a)(1)(B): Defendants may use the following categories of documents in its possession to support its defenses:

Documents, produced by Plaintiffs to Defendants, relating to the inquiry by potential "customers" to Defendants with respect to party services comprising of the rental of costumes and/or provision of actors wearing costumes of, including, but not limited to Barney, Bob the Builder, Dora and/or Clifford.

Defendants' investigation into Plaintiffs' claims and their own defenses is ongoing and discovery has just begun. Subsequent to a reasonable period of fact investigation and discovery, Defendants may learn of other documents that are relevant to their defenses. Accordingly, Defendants reserve their rights to supplement this disclosure.

FRCP 26(a)(1)(C): If Defendants are successful in defending this action, they will be making a computation of their costs and fees resulting from the litigation at the conclusion of this action and will provide the supporting documentation at the appropriate time.

FRCP 26(a)(1)(D): Defendants state that there exists no insurance agreement that may be liable for all or part of any judgment which may be entered in this action against them.

Dated: New York, New York
January 7, 2007

Respectfully submitted,

ROBINSON BROG LEINWAND GREENE
GENOVESE & GLUCK, P.C.

By: 

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